No. 251.
Motion to advance

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IN THE

Supreme Court of the United States.

OCTOBER TERM, 1901.

No. 251.

I. STANTON CARTER (ON BEHALF OF OBERLIN M. CARTER), APPELLANT,

vs.

ROBERT W. McCLAUGHRY, WARDEN, ETC., APPELLEE.

Appeal from United States Circuit Court, District of Kansas.

MOTION TO ADVANCE CAUSE.

FRANK P. BLAIR,
Attorney for Appellant.

LAW REPORTER PRINT.

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Appeal from United States Circuit Court, District of Kansas.

Comes now the appellant in the above entitled cause, by Frank P. Blair, his attorney, and respectfully moves this Honorable Court to advance the hearing thereof and set the same down for an early hearing at the present term of court; and for grounds of said motion assigns the following:

The said Oberlin M. Carter was tried by a general court-martial at Savannah, Georgia, from the 12th day of January to the 28th day of April, A. D. 1898, and was by said court-martial convicted of sundry charges and specifications, and sentenced to a term of imprisonment for five years, to be fined in the sum of five thousand dollars, and to be dismissed the Army of the United States, all of which appears at large in the record of this case. Thereafter, on the 29th day of September, 1899, the President of the United States having approved the sentence of said court-martial, the said Oberlin M. Carter was taken into custody and has since

that time remained in the custody of the United States, and is now confined at the United States prison at Fort Leavenworth, Kansas, undergoing said sentence.

That afterwards an application for a writ of *habeas corpus* was made at the city of Leavenworth, in the Circuit Court of the United States then and there sitting, before Judge Amos M. Thayer, Circuit Judge, and Judge Hook, District Judge, which application was granted by said court; but afterwards on hearing on November 10, 1900, the said Carter was remanded to the custody of the warden of said prison where he has remained from thence hitherto.

That afterwards appellant prosecuted this appeal to this court where said case is now pending.

This application to advance the cause is in favor of the liberty of a citizen, and it is respectfully urged that the same be granted and the case set down for as early a hearing as may suit the convenience of the court.

All of which is respectfully submitted.

FRANK P. BLAIR,
Attorney for Appellant.